

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X	
JUANA SIERRA TEJO,	:
GABRIELA FLORES VIEGAS,	:
INES BELLO CASTILLO	:
CARMEN CALIXTO RODRIGUEZ, and	:
LUCERO SANTES VAZQUEZ	:
	:
Plaintiffs,	:
	:
v.	:
	:
BROADWAY PLAZA HOTEL,	:
FELIX DAVID BUENDIA RAMIREZ,	:
SALVATORE LODUCA, and	:
PHILIP LOZIA,	:
	:
Defendants.	:
-----X	

ANSWER

04-CV-4005 (LTS)(DFE)

Defendant Felix David Buendia Ramirez ("Defendant Ramirez"), by his attorneys Raab, Sturm & Goldman, LLP, answers the Complaint of Juan Sierra Trejo ("Trejo"), Gabriella Flores Viegas ("Viegas"), Ines Bello Castillo ("Castillo"), Carmen Calisto Rodriguez ("Rodriguez"), and Lucero Santes Vazquez ("Vazquez"), collectively referred to herein as "Plaintiffs", as follows:

1. Defendant Ramirez denies each and every allegation set forth in paragraph 1 of the Complaint.
2. Defendant Ramirez denies each and every allegation set forth in paragraph 2 of the Complaint.
3. Defendant Ramirez denies each and every allegation set forth in paragraph 3 of the Complaint.
4. Defendant Ramirez denies each and every allegation set forth in paragraph 4 of the Complaint.

5. Defendant Ramirez denies sufficient knowledge to either admit or deny the allegations set forth in paragraph 5 of the Complaint.
6. Defendant Ramirez denies knowledge or information sufficient to admit or deny the allegations set forth in paragraph 6, except that it is admitted that copies of the letters annexed to the Complaint appear to be right to sue letters, but the letters do not identify the charged party against whom suit may be initiated; specifically the letters do not identify Defendant Ramirez as having been charged before the Equal Employment Opportunity Commission.
7. Defendant Ramirez denies each and every allegation set forth in paragraph 7 of the Complaint, except that it is admitted that the Broadway Plaza Hotel, a co-defendant herein is situated within the Southern District of New York.
8. Defendant Ramirez denies knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 8 of the Complaint.
9. Defendant Ramirez denies knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 9 of the Complaint.
10. Defendant Ramirez denies knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 10 of the Complaint.
11. Defendant Ramirez denies knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 11 of the Complaint.
12. Defendant Ramirez denies knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 12 of the Complaint.
13. Defendant Ramirez denies knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 13 of the Complaint.

14. Defendant Ramirez admits the allegations set forth in paragraph 14 of the Complaint.
15. Defendant Ramirez denies each and every allegation set forth in paragraph 15 of the Complaint
16. Defendant Ramirez admits the allegations set forth in paragraph 16 of the Complaint.
17. Defendant Ramirez admits the allegations set forth in paragraph 17 of the Complaint.
18. Defendant Ramirez denies each and every allegation set forth in paragraph 18 of the Complaint
19. Defendant Ramirez admits the allegations set forth in paragraph 19 of the Complaint.
20. Defendant Ramirez admits the allegations set forth in paragraph 20 of the Complaint.
21. Defendant Ramirez denies each and every allegation set forth in paragraph 21 of the Complaint.
22. Defendant Ramirez denies each and every allegation set forth in paragraph 22 of the Complaint.
23. Defendant Ramirez admits the allegations set forth in paragraph 23 of the Complaint.
24. Defendant Ramirez denies each and every allegation set forth in paragraph 24 of the Complaint.
25. Defendant Ramirez denies each and every allegation set forth in paragraph 25 of the Complaint.
26. Defendant Ramirez denies each and every allegation set forth in paragraph 26 of the Complaint.
27. Defendant Ramirez denies knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 27 of the Complaint.

28. Defendant Ramirez denies knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 28 of the Complaint.
29. Defendant Ramirez denies knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 29 of the Complaint.
30. Defendant Ramirez denies knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 30 of the Complaint.
31. Defendant Ramirez denies each and every allegation set forth in paragraph 31 of the Complaint.
32. Defendant Ramirez denies each and every allegation set forth in paragraph 32 of the Complaint.
33. Defendant Ramirez denies each and every allegation set forth in paragraph 33 of the Complaint.
34. Defendant Ramirez denies each and every allegation set forth in paragraph 34 of the Complaint.
35. Defendant Ramirez denies each and every allegation set forth in paragraph 35 of the Complaint.
36. Defendant Ramirez denies each and every allegation set forth in paragraph 36 of the Complaint.
37. Defendant Ramirez denies each and every allegation set forth in paragraph 37 of the Complaint.
38. Defendant Ramirez denies each and every allegation set forth in paragraph 38 of the Complaint.

39. Defendant Ramirez denies each and every allegation set forth in paragraph 39 of the Complaint.
40. Defendant Ramirez denies each and every allegation set forth in paragraph 40 of the Complaint.
41. Defendant Ramirez denies knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 41 of the Complaint.
42. Defendant Ramirez denies each and every allegation set forth in paragraph 42 of the Complaint.
43. Defendant Ramirez denies each and every allegation set forth in paragraph 43 of the Complaint.
44. Defendant Ramirez denies each and every allegation set forth in paragraph 44 of the Complaint.
45. Defendant Ramirez denies each and every allegation set forth in paragraph 45 of the Complaint.
46. Defendant Ramirez denies each and every allegation set forth in paragraph 46 of the Complaint.
47. Defendant Ramirez denies each and every allegation set forth in paragraph 47 of the Complaint.
48. Defendant Ramirez denies each and every allegation set forth in paragraph 48 of the Complaint.
49. Defendant Ramirez denies each and every allegation set forth in paragraph 49 of the Complaint.

50. Defendant Ramirez denies each and every allegation set forth in paragraph 50 of the Complaint.
51. Defendant Ramirez denies each and every allegation set forth in paragraph 51 of the Complaint.
52. Defendant Ramirez denies each and every allegation set forth in paragraph 52 of the Complaint.
53. Defendant Ramirez denies knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 53 of the Complaint.
54. Defendant Ramirez denies each and every allegation set forth in paragraph 54 of the Complaint.
55. Defendant Ramirez denies each and every allegation set forth in paragraph 55 of the Complaint.
56. Defendant Ramirez denies each and every allegation set forth in paragraph 56 of the Complaint.
57. Defendant Ramirez admits the allegations set forth in paragraph 57 of the Complaint.
58. Defendant Ramirez denies each and every allegation set forth in paragraph 58 of the Complaint.
59. Defendant Ramirez denies each and every allegation set forth in paragraph 59 of the Complaint.
60. Defendant Ramirez denies knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 60 of the Complaint.
61. Defendant Ramirez denies knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 61 of the Complaint.

62. Defendant Ramirez denies each and every allegation set forth in paragraph 62 of the Complaint.
63. Defendant Ramirez denies each and every allegation set forth in paragraph 63 of the Complaint.
64. Defendant Ramirez denies each and every allegation set forth in paragraph 64 of the Complaint.
65. Defendant Ramirez denies knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 65 of the Complaint.
66. Defendant Ramirez denies knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 66 of the Complaint.
67. Defendant Ramirez denies knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 67 of the Complaint.
68. Defendant Ramirez denies knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 68 of the Complaint.
69. Defendant Ramirez admits and denies the allegations set forth in paragraph 69, to the extent previously admitted or denied.
70. Defendant Ramirez denies each and every allegation set forth in paragraph 70 of the Complaint.
71. Defendant Ramirez denies each and every allegation set forth in paragraph 71 of the Complaint.
72. Defendant Ramirez denies each and every allegation set forth in paragraph 72 of the Complaint.

73. Defendant Ramirez admits and denies the allegations set forth in paragraph 73, to the extent previously admitted or denied.
74. Defendant Ramirez denies each and every allegation set forth in paragraph 74 of the Complaint.
75. Defendant Ramirez denies each and every allegation set forth in paragraph 75 of the Complaint.
76. Defendant Ramirez denies each and every allegation set forth in paragraph 76 of the Complaint.
77. Defendant Ramirez admits and denies the allegations set forth in paragraph 77, to the extent previously admitted or denied.
78. Defendant Ramirez denies each and every allegation set forth in paragraph 78 of the Complaint.
79. Defendant Ramirez denies each and every allegation set forth in paragraph 79 of the Complaint.
80. Defendant Ramirez denies each and every allegation set forth in paragraph 80 of the Complaint.
81. Defendant Ramirez admits and denies the allegations set forth in paragraph 81, to the extent previously admitted or denied.
82. Defendant Ramirez denies each and every allegation set forth in paragraph 82 of the Complaint.
83. Defendant Ramirez denies each and every allegation set forth in paragraph 83 of the Complaint.



84. Defendant Ramirez admits and denies the allegations set forth in paragraph 84, to the extent previously admitted or denied.
85. Defendant Ramirez denies each and every allegation set forth in paragraph 85 of the Complaint.
86. Defendant Ramirez denies each and every allegation set forth in paragraph 86 of the Complaint.
87. Defendant Ramirez admits and denies the allegations set forth in paragraph 87, to the extent previously admitted or denied.
88. Defendant Ramirez denies each and every allegation set forth in paragraph 88 of the Complaint.
89. Defendant Ramirez denies each and every allegation set forth in paragraph 89 of the Complaint.
90. Defendant Ramirez admits and denies the allegations set forth in paragraph 90, to the extent previously admitted or denied.
91. Defendant Ramirez denies knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 91 of the Complaint.
92. Defendant Ramirez denies knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 92 of the Complaint.
93. Defendant Ramirez admits and denies the allegations set forth in paragraph 93, to the extent previously admitted or denied.
94. Defendant Ramirez denies knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 94 of the Complaint.

95. Defendant Ramirez denies knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 95 of the Complaint.
96. Defendant Ramirez admits and denies the allegations set forth in paragraph 96, to the extent previously admitted or denied.
97. Defendant Ramirez denies knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 97 of the Complaint.
98. Defendant Ramirez denies knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 98 of the Complaint.
99. Defendant Ramirez admits and denies the allegations set forth in paragraph 99, to the extent previously admitted or denied.
100. Defendant Ramirez denies each and every allegation set forth in paragraph 100 of the Complaint and upon information and belief, believes this paragraph has been withdrawn by Plaintiffs.
101. Defendant Ramirez denies each and every allegation set forth in paragraph 101 of the Complaint and upon information and belief, believes this paragraph has been withdrawn by Plaintiffs
102. Defendant Ramirez admits and denies the allegations set forth in paragraph 102, to the extent previously admitted or denied.
103. Defendant Ramirez denies information sufficient to form a belief as to the allegations set forth in paragraph 103 of the Complaint and upon information and belief, believes that this paragraph has been withdrawn by Plaintiffs.

104. Defendant Ramirez denies each and every allegation set forth in paragraph 104 of the Complaint and upon information and belief, believes that this paragraph has been withdrawn by Plaintiffs.
105. Defendant Ramirez denies each and every allegation set forth in paragraph 105 of the Complaint and upon information and belief, believes that this paragraph has been withdrawn by Plaintiffs.
106. Defendant Ramirez denies each and every allegation set forth in paragraph 106 of the Complaint and upon information and belief, believes that this paragraph has been withdrawn by Plaintiffs.
107. Defendant Ramirez admits and denies the allegations set forth in paragraph 107, to the extent previously admitted or denied.
108. Defendant Ramirez denies each and every allegation set forth in paragraph 108 of the Complaint.
109. Defendant Ramirez denies each and every allegation set forth in paragraph 109 of the Complaint.
110. Defendant Ramirez admits and denies the allegations set forth in paragraph 110, to the extent previously admitted or denied.
111. Defendant Ramirez denies knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 111 of the Complaint.
112. Defendant Ramirez denies each and every allegation set forth in paragraph 112 of the Complaint.
113. Defendant Ramirez denies each and every allegation set forth in paragraph 113 of the Complaint.

114. Defendant Ramirez admits and denies the allegations set forth in paragraph 114, to the extent previously admitted or denied.
115. Defendant Ramirez denies knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 115 of the Complaint.
116. Defendant Ramirez denies each and every allegation set forth in paragraph 116 of the Complaint.
117. Defendant Ramirez denies each and every allegation set forth in paragraph 117 of the Complaint.
118. Defendant Ramirez admits and denies the allegations set forth in paragraph 118, to the extent previously admitted or denied.
119. Defendant Ramirez denies each and every allegation set forth in paragraph 119 of the Complaint.
120. Defendant Ramirez denies each and every allegation set forth in paragraph 120 of the Complaint.
121. Defendant Ramirez denies each and every allegation set forth above in paragraph 121 to the extent previously admitted or denied.
122. Defendant Ramirez denies each and every allegation set forth in paragraph 122 of the Complaint.
123. Defendant Ramirez denies each and every allegation set forth in paragraph 12 of the Complaint.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

124. The Complaint fails to state any claims by plaintiffs against defendants upon which relief can be granted.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

125. All alleged discriminatory acts under New York Executive Law occurring more than one year prior to the filing of Plaintiffs' Complaint are time barred as against Defendant Ramirez.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

126. Plaintiffs' claims must be dismissed based upon plaintiffs' election of remedies.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE**

127. Plaintiffs have failed to exercise reasonable diligence in seeking comparable employment and are thus barred from collecting back pay or benefits.

**AS AND FOR A FIFTH AFFIRMATIVE DEFENSE**

128. Plaintiffs are not entitled to punitive damages against Defendant Ramirez, on the basis of their discrimination claims because the alleged conduct of Defendant Ramirez, even if it occurred, which allegations Defendant Ramirez denies, was not willful, wanton, or outrageous.

**AS AND A SIXTH AFFIRMATIVE DEFENSE**

129. Plaintiffs have failed to allege any claims pursuant to the Victims of Trafficking and Violence Protection Act of 2000 which occurred after December 19, 2003.

**AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE**

130. Pursuant to Hoffman Plastic Compounds Inc. V. NLRB, 535 U.S. 137, 122 S. Ct. 1275, 152 L.Ed.2d 271 (2002), plaintiffs are barred from seeking injunctive relief or damages because plaintiffs were illegally working in the United States.

**WHEREFORE**, Defendant Ramirez demands judgment dismissing the Complaint in its entirety.

Dated: New York, New York  
March 10, 2005

Respectfully submitted,

RAAB, STURM & GOLDMAN, LLP

By: 

Ira A. Sturm (IS-2042)  
*Attorneys for Defendant*  
*Felix David Buendia Ramirez*  
330 Madison Avenue, Suite 2010  
New York, New York 10017  
Tel. (212) 683-6699  
Fax (212) 779-8596

TO: Leonora M. Lapidus (LL-6592)  
Women's Rights Project  
American Civil Liberties Union Foundation  
*Attorneys for Plaintiffs*  
125 Broad Street, 18<sup>th</sup> Floor  
New York, New York 10004  
(212) 519-7816

David A. Barrett (DA-9626)  
Eric Brenner (EB-2177)  
Boies Schiller & Flexner, LLP  
*Attorneys for Plaintiffs*  
570 Lexington Avenue  
New York, New York 10022  
(212) 446-2300

Joshua Marcus, Esq.  
*Attorneys for Defendants*  
*Broadway Plaza Hotel, Salvatore Loduca &*  
*Philip Loria*  
Franklin, Gringer & Cohen, P.C.  
666 Old Country Road  
Garden City, New York 11530-2013  
(516) 228-3131